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10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 JOSHUA GERSTEIN,) Case No. C 06-04643 MMC
15 Plaintiff,) AND ORDER
16 v.) THIRD STIPULATION TO EXTEND
17 CENTRAL INTELLIGENCE AGENCY,) DEFENDANTS' BRIEFING DEADLINE
et al.,) FOR FILING RENEWED MOTION
18 Defendants.) FOR SUMMARY JUDGMENT AND
MEMORANDUM IN SUPPORT
THEREOF

20
21 The parties hereby stipulate to a third extension, for two weeks or until May 21, 2010, of
22 the deadline for defendants to file a renewed motion for summary judgment. The current
23 deadline, pursuant to Stipulation and Order dated April 22, 2010, is May 7, 2010. The bases for
24 this stipulation are as follows:

- 25 1. On February 23, 2010, the Court issued an Order granting in part and denying in part
26 defendants' renewed motion for summary judgment regarding plaintiff's request to the

1 Department of Justice's Office of Professional Responsibility (OPR) under the Freedom of
2 Information Act (FOIA). Plaintiff's FOIA request sought documents relating to leaks of classified
3 information. With respect to certain of OPR's withholdings under FOIA exemptions 2, 5, 6, and
4 7(C), the Court denied the government's motion for summary judgment without prejudice,
5 allowing OPR the opportunity to file a renewed summary judgment motion.

6 2. On March 26, 2010, the parties stipulated to a three-week extension of time, in part due
7 to scheduling issues and in part to allow the parties an opportunity to determine whether it is
8 possible to narrow the scope of the information which remains at issue in this case. The Court
9 approved the Stipulation. The parties further stipulated to an additional two-week extension of
10 time on April 22, 2010, which the Court also approved.

11 3. As indicated in the April 22 Second Stipulation, OPR provided plaintiff with
12 documents responsive to his FOIA request on April 30, 2010. Included among these documents
13 was information that previously had been withheld in response to plaintiff's FOIA requests.

14 4. On May 3, 4, and 7, 2010, government counsel and plaintiff corresponded through
15 email regarding the released OPR documents. Plaintiff raised several questions, to which
16 government counsel responded. Plaintiff has indicated that the April 30 release appears to resolve
17 at least some of the issues still pending before the Court, but both parties require additional time
18 to precisely define the extent to which they continue to disagree about whether OPR has fully
19 complied with its FOIA obligations.

20 5. In order to allow the parties ample opportunity to resolve their differences, plaintiff and
21 the government stipulate to an additional two-week extension of time for the filing of the
22 government's motion for renewed summary judgment.

1 Accordingly, the parties stipulate to extend the defendants' briefing deadline by two
2 weeks, or until May 21, 2010.

3
4 Respectfully submitted,

5 JOSHUA GERSTEIN

TONY WEST
Assistant Attorney General

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7 /s/
8 Plaintiff

/s/
9 Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
10 Civil Division
Federal Programs Branch

11
12 Dated: May 7, 2010

Dated: May 7, 2010

1 **[PROPOSED] ORDER**

2 Upon consideration of the parties' stipulation, the briefing deadline set by the April 22,
3 2010 Order is extended by two weeks, to reflect that defendants' renewed motion for summary
4 judgment is due no later than May 21, 2010.

5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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7 Dated: May 7, 2010

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Martine M. Chesney
MARTINE M. CHESNEY
United States District Judge